

Remarks

Claims 4-10, 12-13, 23-27, 46-49, 55-57, 62-66, 77-79, 81-86, 94-103, and 112-119 were under consideration by the Examiner in this Application. Claims 1-3, 11, 14-22, 28-45, 50-54, 58-61, 67-74, 76, 77, 80, 88, and 91-93 were previously canceled. Claims 87, 89, 90, and 104-111 are withdrawn from consideration by the Examiner at this time. Claims 4, 6, 13, 24, 48 and 55 are currently amended. Support for these amendments can be found in claims 4, 13, 24, 48 and 55 of the Application as originally filed. Claims 120 and 121 are newly added. Support for new claim 120 can be found in claim 4 of the Application as originally filed. Support for new claim 121 can be found in Examples 8, 373, 394, 552, 650, and 654 of the Application as originally filed. Applicant submits that no new matter has been added to the Application by this Amendment. As a result of this Amendment, claims 4-10, 12-13, 23-27, 46-49, 55-57, 62-66, 77-79, 81-86, 94-103, and 112-121 are under consideration by the Examiner in this Application.

Each of the rejections levied in the outstanding Office Action is addressed individually below.

Rejection under 35 U.S.C. § 112, first paragraph

The Examiner rejected claims 4-10, 12-13, 23-27, 46-49, 55-57, 62-66, 77-79, 81-86, and 91-103 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner specifically rejected the phrase “an alkyl group substituted with a sulfonamide, amide, urea, amine, or N-containing heterocycle” to define R₁, and the phrase “wherein R₃ comprises a nitrogen atom” in the definition of R₃. Without conceding the correctness of the Examiner’s rejection and solely in order to further prosecution, the claims have been amended by the deletion of these two phrases. Applicant submits that the claims as amended comply with the written description requirement, and Applicant respectfully requests that the rejection be removed. If the Examiner insists on maintaining the rejection under § 112, Applicant requests that the Examiner specifically point out the claim language which is not adequately described in the specification.

Provisional Obviousness-type Double Patenting Rejection

The Examiner provisionally rejected claims 4-10, 12, 13, 23-27, 46-49, 55-57, 62-66, 77-79, 81-86, and 91-103 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-43 of co-pending U.S. patent application, U.S.S.N. 10/595,103. As this is a provisional rejection, Applicant wishes to refrain from addressing this rejection until it matures into an actual rejection.

Applicant believes no fee is due with this response. However, please charge any unpaid fees associated with this Response, or credit any overpayments, to our Deposit Account No. 23/2825, under Docket No. C1271.70017US01, from which the undersigned is authorized to draw.

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Respectfully submitted,

By /C. Hunter Baker/
C. Hunter Baker, M.D., Ph.D.
Registration No.: 46,533
WOLF, GREENFIELD & SACKS, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
617.646.8000